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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/757,169

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12/21/2004

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EXAMINER

MOHANDESI, IRAJ A

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/757,169 | Applicant(s) LANTZY ET AL. | |
| | Examiner Iraj A Mohandesi | Art Unit 2834 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 15/25/2004 have been fully considered but they are not persuasive.
2. Regarding claim 1 **Gouge'746** clearly shows a motor having an armature (38 with a stator) connected integral to a first bevel gear (48) operable associated with said armature, the part 42 is the connecting part of the armature (40) to the bevel gear (48).
3. Note : Fig shows that the bevel gear (48) is formed as a unit with an other part (42 " armature extension) . See Integral in page 606 Merriam Webster's Collegiate Dictionary Tenth Edition.

Regarding claim 10 ,**Gouge'746** disclosed all limitation of claimed invention except only a second reducer adjacent said second end in operable association with said armature. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a second reducer adjacent said second end in operable association with said armature for the purpose of extending the operating capability of the machine, since it had been held that mere duplication of the essential working parts of a device involves only routine skill in the art . St.Regis Paper Co.v. Bemis Co. 193 USPQ 8.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-9 ,15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by **Gouge US patent 6218746**.

Regarding claim 1 **Gouge'746** disclosed a high torque generating machine comprising a motor having an armature (38 with a stator); a first bevel gear (48) operable associated with said armature; a second bevel gear (50) operable associated with said first bevel gear; and (d) an output shaft (52 a, 52b) operable associated with said second bevel gear.

Regarding claim 2 **Gouge'746** disclosed a high torque-generating machine comprising a motor an inherently an implement can be associated with said shaft.

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Regarding claim 3,4 **Gouge'746** disclosed a high torque generating machine comprising a motor having a first bevel gear and a second bevel gear, wherein said first bevel gear and said second bevel gear engage at a ninety degree angle and first bevel gear and said second bevel, gear engage an a concave angle (see Fig. 14), and first bevel gear and said second bevel, gear engage an a convex angle (see Fig. 16).

Regarding claim 5-8 **Gouge'746** disclosed a high torque-generating machine comprising a motor having an armature; (38) a reducer (50) operable engaged with said armature, said reducer comprising first and second bevel gears (48,50)an output shaft (522,52b) in operable associate with said reducer; and an inherently an implement can be associated with said shaft in operable association with said reducer said first bevel gear and said second bevel gear engage at a ninety degree angle.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 10-14 rejected under 35 U.S.C. 103(a) as being unpatentable over **Gouge US ptent6218746** and skill in the art.

Regarding claim 10 **Gouge'746** disclosed a high torque generating machine comprising a motor having an armature (38 with a stator); a first bevel gear (48) operable associated with said armature; a second bevel gear (50) operable associated with said

first bevel gear; and (d) an output shaft (52 a,52b) operable associated with said second bevel gear.

Gouge'746 disclosed all limitation of claimed invention except only a second reducer adjacent said second end in operable association with said armature.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a second reducer adjacent said second end in operable association with said armature for the purpose of extending the operating capability of the machine, since it had been held that mere duplication of the essential working parts of a device involves only routine skill in the art . St.Regis Paper Co.v. Bemis Co. 193 USPQ 8.

Communication

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Iraj A Mohandesi whose telephone number is 571-272-2028. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IM December 15, 2004


DARREN SCHUBERG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800